

Ct. 05
Item No.02
12.04.2023
(Suvendu)

WPA 26463 of 2022

**M/s. Brinda Niketan Private Limited & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Rajdeep Mantha
Mr. Santosh Kr. Ray
Ms. Sonal Agarwal
Ms. A. Guha

.....for the petitioners

Mr. Susanta Pal

...for the State respondents

This matter has been listed under the heading "To Be Mentioned" at the instance of the Court.

Both the parties are represented today.

An order was dictated in open Court yesterday, i.e. 11.04.2023. However, subsequently on going through the documents on record before signing the order, it transpired that the documents under challenge namely the letter from District Registrar and SPIO of 17.08.2022 enclosing a Memo dated 28.07.2022 do not mention either Section 17 or Section 89(4) of The Registration Act, 1908. The Court also considered the other documents on record from which it appeared that stretching the contents of the impugned

communication of 28.07.2022 to include either Section 17 or Section 89(4) of the Act would be unwarranted. The only place where Section 89 of the Act is mentioned is a representation of the petitioner dated 22.09.2022 to the Inspector General of Registration and other authorities.

This Court is hence not inclined to express a view on the statutory position without the respondents having an opportunity to consider and dispose of the representation made by the petitioner within a period of two weeks from the date of communication of this order. The petitioner shall be heard by the concerned authority; needless to say, the petitioner shall be at liberty of relying on the provisions of the Registration Act, 1908. A copy of the reasoned order shall be made available to the petitioner within a week from the date on which such decision is taken.

WPA 26463 of 2022 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)